



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency: **BOARD OF PILOTAGE COMMISSIONERS**

- ☐ Preproposal Statement of Inquiry was filed as WSR _____; or
☐ Expedited Rule Making--Proposed notice was filed as WSR _____; or
☒ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice to WSR _____
☐ Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)

WAC 363-116-300: Pilotage Rates for the Puget Sound Pilotage District

Hearing location(s):

2901 Third Avenue
 1st Floor, Agate Conference Room
 Seattle, WA 98121

Date: May 19, 2009 Time: 9:30 a.m.

Date of intended adoption: May 19, 2009
 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: **Captain Harry Dudley, Chairman**
 Address: **2901 Third Avenue, Suite 500**
Seattle, WA 98121

e-mail larsonp@wsdot.wa.gov

fax (206) 515-3906 by (date) May 7, 2009

Assistance for persons with disabilities: Contact

Judy Bell by May 14, 2009

TTY () _____ or (206) 515-3647

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The purpose of the proposal is to establish a Puget Sound Pilotage District annual tariff.

The proposed rule reflects a range of adjustments to be charged for pilotage services in the Puget Sound Pilotage District for the 2009-2010 tariff year. The low end of the range is proposed by the Pacific Merchant Shipping Association (PMSA) and the high end of the range is proposed by the Puget Sound Pilots (PSP). Upon consideration of all written and oral testimony, it is anticipated that the adopted rule will reflect an adjustment to the tariff in a range between a decrease of 6% and an increase of 5%.

Exceptions include two tariff categories specified below:

- The proposed rule reflects no adjustment to the \$10 *Training Surcharge* which supports pilot training stipends.
- The proposed rule reflects no adjustment to the \$2.00 per mile charge for *Transportation to Vessels on Puget Sound* at any new facility or other seldom used terminal.

The Board may consider separately such categories as *Transportation to Vessels on Puget Sound* and/or *British Columbia Direct Transit Charge* to which a different adjustment or no adjustment may be made.

Reasons supporting proposal: **RCW 88.16.035** requires that a tariff be set annually.

Statutory authority for adoption: **RCW 88.16.035**

Statute being implemented: **Chapter 88.16 RCW**

Is rule necessary because of a:

- Federal Law? ☐ Yes ☒ No
 Federal Court Decision? ☐ Yes ☒ No
 State Court Decision? ☐ Yes ☒ No
 If yes, CITATION: _____

DATE

March 30, 2009

NAME

Peggy Larson

SIGNATURE

Peggy Larson

TITLE

Administrator

CODE REVISER USE ONLY

**OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED**

DATE: March 31, 2009

TIME: 9:44 AM

WSR 09-08-098

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Current rates for the Puget Sound Pilotage District expire on June 30, 2009. New rates must be set annually.

The Board may adopt a rule that varies from the proposed rule upon consideration of presentations and written comments from the public and any other interested parties.

Name of proponent: (person or organization)

Puget Sound Pilots and Pacific Merchant Shipping Association

☒ Private
☐ Public
☐ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting.....Board of Pilotage Commissioners	2901 Third Avenue, Seattle, WA 98121	(206) 515-3904
Implementation....Board of Pilotage Commissioners	2901 Third Avenue, Seattle, WA 98121	(206) 515-3904
Enforcement.....Board of Pilotage Commissioners	2901 Third Avenue, Seattle, WA 98121	(206) 515-3904

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No. Explain why no statement was prepared.

The proposed rule is being considered in the context of the required annual review of the rates charged for pilotage services.

The application of the range of proposed adjustments is clear in the description of the proposal and its anticipated effects as well as the attached proposed tariff.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No: Please explain:

RCW 34.05.328 does not apply to this rule adoption. The Washington State Board of Pilotage Commissioners is not a listed agency in RCW 34.05.328(5)(a)(i).